

SIEMENS

PATENT
Attorney Docket No. 2003P00249WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor:	B. Provoost)	
)	Group Art Unit: 2964
Serial No.:	10/530,144)	
)	Examiner: J. Wong
Filed:	March 31, 2005)	
Title	METHOD AND ARRANGEMENT FOR SETTING UP AND UPDATING A USER INTERFACE FOR ACCESSING INFORMATION PAGES IN A DATA NETWORK		

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL APPELANTS BRIEF

This Appeal Brief is in response to the Notice of Non-Compliant Appeal Brief mailed December 09, 2008 and relates to an appeal from the rejection of claims 17-20, 23-26, 36 and 38-46 in the Office Action mailed July 16, 2008.

I. Real Party in Interest.....	3
II. Related Appeals and Interferences.....	3
III. Status of Claims	3
IV. Status of Amendments	3
V. Summary of Claimed Subject Matter	4
A. Claim 17.....	4
B. Claim 38.....	5
C. Claim 39.....	6
VI. Grounds for Rejection to be Reviewed.....	7
VII. Appellants' Argument.....	8
A. Applicant's Invention	8
B. Epixtech	9
C. Gralla.....	9
D. The rejection of claim 40 under 35 U.S.C. § 112 as not complying with the written description requirement	10
E. The rejection of claim 39 under 35 U.S.C. § 102(b) as being anticipated by Epixtech, “iPAC System Administrator’s Guide”, 9 Jan 2002, Version 2.0	11
a) Independent claim 17	14
b) Independent claim 38	17
F. The rejection of claim 45 and 46 under 35 U.S.C. § 103(a) as being obvious by Epixtech in view of Gralla and Itoh. (US PGPub 2002/00112000).....	19
VIII. Conclusion	20
IX. Claims Appendix	21
X. Evidence Appendix.....	26
XI. Related Proceedings Appendix.....	27

I. Real Party in Interest

The real party in interest is Siemens Aktiengesellschaft of Munich, Germany, the assignee of record.

II. Related Appeals and Interferences

There are no known related appeals or interferences.

III. Status of Claims

Claims 1-16, 21, 22, 27-35, and 37 are canceled. Claims 17-20, 23-26, 36, 38, and 40-46 are rejected. No claims have been allowed. Claims 17-20, 23-26, 36, 38, and 40-46 are being appealed.

IV. Status of Amendments

No amendment has been filed subsequent to the rejection.

V. Summary of Claimed Subject Matter

Aspects of the invention are related to setting up and updating a user interface for accessing information pages in a data network. All paragraph references to Applicant's specification refer to the Substitute Specification.

A. Claim 17

Referring to Figures 1 and 2, independent claim 17 recites a method for setting up and updating a portal page for an end user to access web pages (IS) in a data network via the portal page [0002], wherein

receiving a first request message (a) from a computer (PC) of the end user, the request message (a) comprising an address of a web page (IS) to be accessed by the end user [0037];

sending a second request message (b) to a web server (WS) in order to retrieve the requested web page (IS) [0037];

receiving a response message (c) from the web server (WS) [0037],

the response message (c) including the requested web page (IS), the requested web page (IS) includes an address of a content data record (IDS) in a non-displayable area of the web page (IS) [0020], [0007], [0034], and

the content data record (IDS) including information pertaining to the content of the retrieved web page (IS) [0013], [0037];

accessing the content data record (f, g) (IDS) via the received address of the content data record (IDS) in response to receiving the response message (c) [0038];

storing data fields of the accessed content data record (IDS) (h) [0038];

receiving from the end user a user data record (j) having features which describe a sought content for determining the web page (IS) [0042];

comparing the stored data fields with the received user data record to determine a degree of match (k) [0042];

dynamically generating a portal page including a displayable link to the web page (IS) in response to the degree of match at least meeting a previously defined threshold [0042]; and

sending the dynamically generated portal page (l) to the computer (PC) of the end user in order to be displayed [0042].

B. Claim 38

Referring to Figures 1 and 2, independent claim 38 recites an system for setting up and updating a portal for an end user to access web pages (IS) in a data network via the portal page, comprising:

a web server appliance (WS) [0003] comprising:

a web page (IS) having an address of an associated content data record (IDS)

[0020], and

the associated content data record (IDS) that describes a content on the respective web page (IS) [0013], [0037];

a proxy server appliance (PXY) communicatively coupled to the web server appliance (WS) and to a computer (PC) of the end user, the proxy server appliance (PXY) having a storage area for storing a copy of the web page (IS) [0037];

a portal server appliance (PRT) that manages a dynamically generated portal page and communicatively coupled to the web server appliance (WS) and to the proxy server appliance (PXY) [0042], the portal server appliance (PRT) comprising:

a database that stores data fields of the associated content data record (IDS) [0038],

a comparison unit that compares the data fields with a user content data record (IDS) from the end user computer (PC) [0042],

wherein the (PXY) appliance receives a request (a) for the web page (IS) by the end user computer (PC) and determines when the web page (IS) is stored in the proxy server appliance (PXY) [0037],

wherein the proxy server appliance (PXY) retrieves the web page (b, c) (IS) from the web server appliance (WS) and subsequently stores the web page (IS) in response to the web page (IS) not being stored [0037],

wherein the proxy server appliance (PXY) sends (d) the address of the associated content data record (IDS) to the portal server appliance (PRT) in response to retrieving (c) the web page (IS) [0037],

wherein the portal server appliance (PRT) retrieves (f,g) the associated content data record (IDS) from the web server appliance (WS) and stores the data fields of the retrieved record in the database [0038],

wherein the portal server appliance (PRT) receives (j) the user data record from the end user computer (PC) and the comparison unit compares [k] the user data record with the data fields in the database [0042],

wherein in the portal page is dynamically generated to include a displayable link to the web page (IS) when the comparison result at least meets a previously defined minimum [0042].

C. Claim 39

Referring to Figures 1 and 2, independent claim 39 recites a method for setting up and updating a portal page for an end user to access web pages (IS) in a data network [0020], wherein

receiving a user data record {j} from the end user, the user data record having features which describe a sought content for determining a web page (IS) [0042],

the web page (IS) includes an address of an associated content data record (IDS) in a non displayable area of the web page (IS) [0020], [0007], [0034], and

the associated content record includes features describing a content on the respective web page (IS) and an address of the respective web page (IS) [0013], [0037];

comparing the data fields of the content data record (IDS) with the received user data record to determine a degree of match [0042];

dynamically generating a portal page including a displayable link to the web page (IS) in response to the degree of match at least meeting a previously defined threshold [0042]; and

sending the dynamically generated portal page to a computer (PC) of the end user in order to be displayed [0042].

VI. Grounds for Rejection to be Reviewed

The following grounds of rejection are requested to be reviewed on appeal:

the rejection of claim 40 under 35 U.S.C. § 112 as not complying with the written description requirement,

the rejection of claim 39 under 35 U.S.C. § 102(b) as being anticipated by Epixtech, "iPAC System Administrator's Guide", 9 Jan 2002, Version 2.0,

the rejection of claim 17-20, 23, 24,36, 38, 41-43 under 35 U.S.C. § 103(a) as being obvious by Epixtech in view of Gralla et al., "How the Internet Works", Dec. 199, Que,

the rejection of claim 40 and 44 under 35 U.S.C. § 103(a) as being obvious by Epixtech in view of Gralla and Raciborski et al. (US PGPub 2001/0051980), and

the rejection of claim 45 and 46 under 35 U.S.C. § 103(a) as being obvious by Epixtech in view of Gralla and Itoh. (US PGPub 2002/00112000).

VII. Appellants' Argument

A. Applicant's Invention

Web pages are accessed by a user by inputting the address of the respective web page via a browser wherein the retrieved web page is displayed by the browser. Web pages may contain links which reference other web pages. Accessing web pages by the user inputting the address has the associated drawback that the user always needs to know the correct address of the desired information.

A portal page is a web page provided by a portal operator which contains links assumed useful by the portal operator to be useful to the user. Portal pages have problems such as containing "dead links" also known as "expired links". The complexity and cost of maintaining a portal page thus increases proportionally to the number of links displayed.

Thus Applicant's invention reduces the complexity for setting up and updating user interfaces for accessing web pages and maintaining a portal page. Web pages (IS) have a corresponding content data record (IDS). The address of the content data record (IDS) is stored in the Web page in a non-displayable are of the web page. The IDS includes data relative to the content of the web page.

As web pages (IS) are requested (a, b, c, e) from a web server (WS) the address of the content data record (IDS) is sent to the portal server (PRT) (d) [0037]. The portal server (PRT) accesses the content data record (IDS) from the Web server (WS) (f, g) and stores the data as searchable objects in the portal server (PRT) (h) [0038]. Additionally, the proxy server (PXY) may store the address of the web page in cache [0037] and the requested web page is sent to the user (p) [0037].

As the user access the portal server (PRT), a user data record describing data to search for the portal is sent to the portal server (PRT) (j) and is compared with the stored data (k) [0042]. The portal server (PRT) and dynamically generates and sends a portal page having displayable links to the web pages in response to a degree of match based on the comparison (l) [0042]. The user can then select the links and retrieve the web page associated to the link (m, n, o, p) [0042]. The stored data in the portal server (PRT) is updated after an expiry period. [0044]

B. Epixtech

Epixtech teaches providing library users with a web based interface for searching a library catalog system (Welcome section pg 1-3). The iPac System comprises iPac software and the Dynix database/library (P 1-10). The iPac software provides a user interface (P 1-11) via iPac software that allows users to search a library catalog (P 1-10). The Dynix database/library includes user accounts and libraries (P 1-10), (See also Dynix page 6). Data from the Dynix database/library may be imported to iPac (P 1-11). Changes to the data in iPac do not affect the Dynix database/library (P 1-10).

After the user searches the library catalog, the results are displayed to the user (P 1-12). The user may save selected search results in a bibliography to be saved, printed or emailed to the user.

C. Gralla

Gralla teaches how the internet works

D. The rejection of claim 40 under 35 U.S.C. § 112 as not complying with the written description requirement

The Examiner contends claim 40 fails to comply with the written description requirement and is not commensurate with paragraph [44] of the instant specification as observed in the PG-Pub. Applicant respectfully submits that Claim 9 in English translation became claim 27 in the Preliminary amendment and was not subject to a 35 U.S.C. rejection § 112. In a response filed June 22, 2007, Applicant amended claim 27 as follows:

wherein a ~~the~~ most selected ~~information~~ web page is displayed at a prioritized or prominent position on the ~~user interface~~ portal page

- The amendment of changing information pages to web pages is supported, for example, by paragraph [0003]
- The amendment of changing user interface to portal page is supported, for example, by paragraph [0006].

In the August 08, 2007 Office Action, the Examiner objected to claim 28 for depending on a forward claim. Claim 27 was not subject to a 35 U.S.C. rejection § 112 or the objection of claim 28. Although the Examiner did not object to claim 27, Applicant noticed that this claim also depended on a forward claim and moved claim 27 to claim 40. Claim 40 recites “*a most requested web page is displayed at a prioritized or prominent position on the portal page*”.

Thus, the only change when adding the new claim was changing the term “selected” to “requested”. Applicant respectfully submit that

The inquiry into whether the description requirement is met must be determined on a case-by-case basis and is a question of fact. *In re Wertheim*, 541 F.2d 257, 262, 191 USPQ 90, 96 (CCPA 1976). A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. See, e.g., *In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). The examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. *Wertheim*, 541 F.2d at 263, 191 USPQ at 97. (MPEP 2163.04)

One skilled in the art would recognize that the “selected” web page is subsequently “requested” and thus is the most requested web page. What is conventional or well known to one of ordinary skill in the art need not be disclosed in detail.

E. The rejection of claim 39 under 35 U.S.C. § 102(b) as being anticipated by Epixtech, “iPAC System Administrator’s Guide”, 9 Jan 2002, Version 2.0

the rejection of claim 17-20, 23, 24,36, 38, 41-43 under 35 U.S.C. § 103(a) as being obvious by Epixtech in view of Gralla et al., “How the Internet Works”, Dec. 199, Que,

The Examiner apparently equates (see page 3 of Office Action mailed July 16, 2008)

- Applicant’s end user as patron (A-4)
- Applicant’s user data record as Add to my list (P 1-12)
- Applicant’s web page as the display on page (P 1-12)
- Applicant’s address of an associated content data record as a hyperlink (P 1-12).
- Applicant’s address of the respective web page as a URL (P. 4-33, Table 3, Col 2 Cell Row 2)
- Applicant’s content data record as a MARC bib record (P 4-33, paragraph 1)

As to the Examiner’s equating Applicant’s address of an associated content data record to a hyperlink. Applicant’s address of an associated content data record [is] in a non displayable area of the web page. In contrast, the hyperlink is in a displayable area of the web. The Examiner apparently equates an address associated to the hyperlink as being in a non displayable area of the web and therefore reads on Applicant’s limitation.

Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their ‘broadest reasonable interpretation MPEP 2111.01 (II).

The address of the associated content data record allows access to the associated content data record. However, in light of the specification, the end user is not aware of the associated content data record only the web server, portal server and proxy server are aware of the associated content data. Thus, the Examiner’s interpretation is unreasonable in view of the specification since a hyperlink allows access to what it is linked to. Furthermore, one skilled in

the art would understand that the address of an associated content data record in a non displayable area of the web page would include that links, hyperlinks, URLs and other forms of associating the address as being in a non displayable area without the need of a negative limitation stating such.

The Applicant has the limitations “*comparing the data fields of the content data record with the received user data record to determine a degree of match; dynamically generating a portal page including a displayable link to the web page in response to the degree of match at least meeting a previously defined threshold; and sending the dynamically generated portal page to a computer of the end user in order to be displayed*” in which the Examiner cites (P. 1-2, Fig.) (P 3-23, Col. 2 Row 4), (P 4-71, #1, table, Row 3, Col 1; see also “z39.50 connection”, P. 4-17, item #5; more notes cited in claim 17 supra).

When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified 37 C.F.R. § 1.104(c)(2).

However, the Office Action simply points to the paragraphs describing a multitude of elements, without indicating which are thought pertinent, or how. Thus, the Applicant is left to guess the pertinence of the reference. Therefore, Applicants have used references made by the Examiner in other claims.

For a limitation in claim 17 similar to the “*comparing the data fields of the content data record with the received user data record to determine a degree of match*” of above, the Examiner states “including ‘Limit by’, P 1-12, Fig.”. The Limit by allows the user to sort items in their search results from a search which was done prior to the display (see e.g., P 1-11). Sorting cannot reasonably be considered comparing. Moreover, since the Examiner has previously equated Applicant’s user data record to the Add to my list and the content data record as the MARC bib record then in order to read on this limitation, a compare of the data fields of the Add my list and MARC bib record would need to be done. A sorting of the search results cannot reasonably be considered as comparing let alone comparing the data fields of Add my list and the MARC bib record. Thus, the Examiner has failed to find this limitation.

For a limitation in claim 17 similar to the “*dynamically generating a portal page including a displayable link to the web page in response to the degree of match at least meeting a previously defined threshold*” of the above, the Examiner states “including ‘subscribe to Syndetics service”, Fig., P. 1-12”. Thus it would appear that the Examiner considers the subscribe to Syndetics services as dynamically generating a portal page. However, a subscription to the Syndetics services merely provides the user the ability to click on book cover images to get summaries and author notes related to items in their search results. In contrast, Applicant’s generated portal page is dynamically generated ... “in response to the degree of match of at least meeting a previously defined threshold”. Recall that the degree of match refers the comparing the data fields of the content data record with the received user data record to determine a degree of match limitation. Subscribing to the Syndetics service is a response to a subscription, displaying summaries and author notes is in response to the subscribing or the clicking on book cover images. A response to subscribing or a response to clicking cannot reasonably be considered in response to the degree of match between comparing the data fields of Add my list and the MARC bib record. Thus, the Examiner has failed to find this limitation.

The Examiner has further stated in the Office Action mailed November 28, 2007 that “The allegation that the Examiner has ignored the limitation of ‘portal server that manages a dynamically generated portal page’ is incorrect. Evidence to the contrary is shown on Epixtech, page 1-12 because the search result is generated dynamically”. Thus, it appears that the Examiner in this case considers the search result on page 1-12 to be the dynamically generated portal page. The search result on page 1-12 is generated from a search data entered by the user prior to the display of the search result (see page 1-11). Thus, the Add to my list on P 1-12 is not available until after the search. However Applicant’s dynamically generating a portal page including a displayable link to the web page in response to the degree of match. As previously stated the degree of match refers the comparing the data fields of the content data record with the received user data record to determine a degree of match limitation. Thus, the user data record needs to be available for the comparison before dynamically generating the portal page. Since, the Add to my list is available only after the generation of the search result page, the search result page cannot reasonably be considered as Applicant’s portal page. Thus, the Examiner has failed to find this limitation.

Furthermore, Epixtech teaches a web based interface (iPac) allowing a library user to search a library catalog system (imported from Dynix). The library catalog system being is database with a controlled environment and is set up by an administrator of the library. The library catalog is accessed via the web but is not a web page. The interface also is in a controlled environment by searching the library catalog system. In contrast, claim 39 is a method for setting up and updating a portal page for an end user to access web pages in a data network which allows web pages being stored in different locations, different servers and not maintained by a single entity such as a library.

Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation MPEP 2111.01 (II).

Applicant's respectfully submit that in view of the specification it is not reasonable to consider iPac or Dynix as web pages in a data network. Moreover changing Epixtech to allow a search of web pages versus the library catalog system changes the principle of operation of Epixtech since the goal of Epixtech is to only allow users to get information on books, periodicals and such provided by the library and not random information provided on the Internet.

The following is a quotation from MPEP 2143 (section VI)

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

In view of the above, it is respectfully submitted that independent claim 39 is patentable. Furthermore, independent claims 25 and 37, which similarly recite the same limitations are also patentable.

a) Independent claim 17

For the limitation "accessing the content data record via the received address of the content data record in response to receiving the response message" the Examiner states "including item #'10', P.1-13, Fig".

When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied

on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified 37 C.F.R. § 1.104(c)(2).

It is unclear to what the Examiner considers the “accessing”, “content data record” and “in response to receiving the response message”. If accessing is by clicking the hyperlink, the accessing is in response to clicking the hyperlink and not in response to receiving the response message.

For the limitation “*storing data fields of the accessed content data record*”, the Examiner states “including ‘Add to button’, P. 1-13, Fig”. The Add to button allows users to select items to add or remove from My List. The My List may be generated by the Add to button as well as when the user selects “Add to My List”. It is unclear to what the Examiner considers as the accessed content data record, however, since the Add to My List changes the user’s bibliography Applicant’s assume the stored data fields are in the user’s bibliography.

For the limitation “*receiving from the end user a user data record having features which describe a sought content for determining the web page*” the Examiner states “P. 1-11, Fig”. P-11 shows that the user can enter search by criteria to search books, periodicals and the like that match the criteria which the result of the search is then provided by the Search Results page on P-12. Thus, the Examiner appears to equate the user data record as the search by criteria entered on P. 1-11.

For the limitation “*comparing the stored data fields with the received user data record to determine a degree of match*” the Examiner states “including ‘Limit by’, P 1-12, Fig.”. The Limit by allows the user to sort items in their search results from a search which was done prior to the display (see e.g., P 1-11). Sorting cannot reasonably be considered comparing. Moreover, since the Examiner has previously equated Applicant’s stored data fields as the bibliography and the user data record to the search by criteria on P 1-11 then in order to read on this limitation a compare of the stored bibliography and the search by criteria would need to be done. A sorting of the search results cannot reasonably be considered as comparing let alone comparing the stored bibliography and the search by criteria. Thus, the Examiner has failed to find this limitation.

For a limitation “*dynamically generating a portal page including a displayable link to the web page in response to the degree of match at least meeting a previously defined threshold*”, the Examiner states “including ‘subscribe to Syndetics service’, Fig., P. 1-12”. Thus it would appear

that the Examiner considers the subscribe to Syndetics services as dynamically generating a portal page. However, a subscription to the Syndetics services merely provides the user the ability to click on book cover images to get summaries and author notes related to items in their search results. In contrast, Applicant's generated portal page is dynamically generated ... "in response to the degree of match of at least meeting a previously defined threshold". Recall that the degree of match refers the comparing the stored data fields of the content data record with the received user data record to determine a degree of match limitation. Subscribing to the Syndetics service is a response to a subscription, displaying summaries and author notes is in response to the subscribing or the clicking on book cover images. A response to subscribing or a response to clicking cannot reasonably be considered in response to the degree of match between comparing the stored bibliography and the search by criteria. Thus, the Examiner has failed to find this limitation.

The Examiner has further stated in the Office Action mailed November 28, 2007 that "The allegation that the Examiner has ignored the limitation of 'portal server that manages a dynamically generated portal page' is incorrect. Evidence to the contrary is shown on Epixtech, page 1-12 because the search result is generated dynamically". Thus, it appears that the Examiner in this case considers the search result on page 1-12 to be the dynamically generated portal page. The search result on page 1-12 is generated from a search data entered by the user prior to the display of the search result (see page 1-11). Thus, the bibliography is not available until after the search. However Applicant's dynamically generating a portal page including a displayable link to the web page in response to the degree of match. As previously stated the degree of match refers the comparing the stored data fields of the content data record with the received user data record to determine a degree of match limitation. Thus, the user data record needs to be available for the comparison before dynamically generating the portal page. Since, the Add to button or bibliography is available only after the generation of the search result page, the search result page cannot reasonably be considered as Applicant's portal page. Thus, the Examiner has failed to find this limitation.

Furthermore, Epixtech teaches a web based interface (iPac) for searching a library catalog system (imported from Dynix). The library catalog system being is database with a controlled environment and is set up by an administrator of the library. The library catalog is accessed via the web but is not a web page. The interface also is in a controlled environment by

searching the library catalog system. In contrast, claim 39 is a method for setting up and updating a portal page for an end user to access web pages in a data network which allows web pages being stored in different locations, different servers and not maintained by a single entity such as a library.

Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation MPEP 2111.01 (II).

Applicant's respectfully submit that in view of the specification it is not reasonable to consider iPac or Dynix as web pages in a data network. Moreover changing Epixtech to allow a search of web pages versus the library catalog system changes the principle of operation of Epixtech since the goal of Epixtech is to only allow users to get information on books, periodicals and such provided by the library and not random information provided on the Internet.

The following is a quotation from MPEP 2143 (section VI)

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

In view of the above, it is respectfully submitted that independent claim 17 is patentable. Furthermore, claims 18-20, 23-26, 36, 40-42 and 45 are patentable at least based on their dependency to claim 17.

b) Independent claim 38

Claim 38 has limitations similar to the comparing and the dynamically generating in claims 17 and 39. For at least the reasons presented for these limitations for claim 17 and 39, claim 38 is patentable.

Furthermore, for the limitation "*a portal server appliance that manages a dynamically generated portal page and communicatively coupled to the web server appliance and to the proxy server appliance, the portal server appliance comprising: a database that stores data fields of the associated content data record, a comparison unit that compares the data fields with a user content data record from the end user computer, wherein the proxy server appliance*

receives a request for the web page by the end user computer and determines when the web page is stored in the proxy server appliance, wherein the proxy server appliance retrieves the web page from the web server appliance and subsequently stores the web page in response to the web page not being stored, wherein the proxy server appliance sends the address of the associated content data record to the portal server appliance in response to retrieving the web page, wherein the portal server appliance retrieves the associated content data record from the web server appliance and stores the data fields of the retrieved record in the database, wherein the portal server appliance receives the user data record from the end user computer and the comparison unit compares the user data record with the data fields in the database, wherein in the portal page is dynamically generated to include a displayable link to the web page when the comparison result at least meets a previously defined minimum” in which the Examiner cites (P. 3-23, Col. 2, Row 4, P. 4-71, #1, table, Row 3, Col. 1; also “Z39.50 connection”, P. 4-71, item #51).

When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified 37 C.F.R. § 1.104(c)(2).

Again the Examiner has merely given numerous locations within Epixtech without explaining the pertinence of the reference let alone clearly explaining the reference. Furthermore, the Examiner contends the limitation “*determines when the web page is stored in the proxy server appliance*” is optional. Applicant respectfully submits that an optional limitation does not have to be performed. In contrast Applicant’s limitation determines when the page is stored and is required and is not optional limitation as stated by the Examiner. Therefore, the Examiner cannot ignore this limitation.

Furthermore, Epixtech teaches a web based interface (iPac) for searching a library catalog system (imported from Dynix). The library catalog system being is database with a controlled environment and is set up by an administrator of the library. The library catalog is accessed via the web but is not a web page. The interface also is in a controlled environment by searching the library catalog system. In contrast, claim 39 is a method for setting up and updating a portal page for an end user to access web pages in a data network which allows web pages

being stored in different locations, different servers and not maintained by a single entity such as a library.

Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation MPEP 2111.01 (II).

Applicant respectfully submits that in view of the specification it is not reasonable to consider iPac or Dynix as web pages in a data network. Moreover changing Epixtech to allow a search of web pages versus the library catalog system changes the principle of operation of Epixtech since the goal of Epixtech is to only allow users to get information on books, periodicals and such provided by the library and not random information provided on the Internet.

The following is a quotation from MPEP 2143 (section VI)

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Applicant submits that for at least the reasons above claim 38 is patentable. Furthermore, claims 43, 44 and 46 which depend on claim 38 are patentable.

F. The rejection of claim 45 and 46 under 35 U.S.C. § 103(a) as being obvious by Epixtech in view of Gralla and Itoh. (US PGPub 2002/00112000)

VIII. Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. The honorable Board is therefore respectfully requested to reverse the rejection of the Examiner and to remand the application to the Examiner with instructions to allow the pending claims. Please grant any extensions of time required to enter this paper. Please charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Acct. No. 19-2179.

Respectfully submitted,

Dated: Jan. 09, 2009

By: Janet D. Hood
Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830

IX. Claims Appendix

1.-16. (cancelled)

17. (previously presented) A method for setting up and updating a portal page for an end user to access web pages in a data network via the portal page, wherein

receiving a first request message from a computer of the end user, the request message comprising an address of a web page to be accessed by the end user;

sending a second request message to a web server in order to retrieve the requested web page;

receiving a response message from the web server,

the response message including the requested web page, the requested web page includes an address of a content data record in a non-displayable area of the web page, and

the content data record including information pertaining to the content of the retrieved web page;

accessing the content data record via the received address of the content data record in response to receiving the response message;

storing data fields of the accessed content data record;

receiving from the end user a user data record having features which describe a sought content for determining the web page;

comparing the stored data fields with the received user data record to determine a degree of match;

dynamically generating a portal page including a displayable link to the web page in response to the degree of match at least meeting a previously defined threshold; and

sending the dynamically generated portal page to the computer of the end user in order to be displayed.

18. (previously presented) The method as claimed in patent claim 17, wherein the web page is checked cyclically for accessibility, and the link for the web page is excluded from the dynamically generated portal page in response to the page not being accessible.

19. (previously presented) The method as claimed in patent claim 17, wherein the comparison is repeated at intervals of time, and wherein the result of the repeated comparison is used to generate the portal page.

20. (previously presented) The method as claimed in patent claim 17, wherein the user data record is updated, wherein after the update the comparison is performed again, and the portal page re-generated.

21. (canceled)

22. (canceled)

23. (previously presented) The method as claimed in patent claim 17, wherein the content data record and the user data record are each a structured document, wherein the web page is associated via including the address of the content data record, and wherein the content data record comprises the address the associated web page.

24. (previously presented) The method as claimed in patent claim 23, wherein the content data record and the user data record are created in XML format, and wherein the structure of the content data record and of the user data record is respectively stipulated in a description data record.

25. (previously presented) The method as claimed in patent claim 23, wherein the same respective structure is used for the content data records and for the user data record.

26. (previously presented) The method as claimed in patent claim 24, wherein the same respective structure is used for the content data records and for the user data record.

27.-35. (canceled)

36. (previously presented) The method as claimed in patent claim 17, the receiving a first request message, the sending a second request message and receiving the response message are repeated for each of a plurality of web pages requested by the end user, wherein a plurality of displayable links associated with the requested web pages are displayed on the portable page.

37. (canceled)

38. (previously presented) An system for setting up and updating a portal for an end user to access web pages in a data network via the portal page, comprising:

a web server appliance comprising:

a web page having an address of an associated content data record, and
the associated content data record that describes a content on the respective web

page;

a proxy server appliance communicatively coupled to the web server appliance and to a computer of the end user, the proxy server appliance having a storage area for storing a copy of the web page;

a portal server appliance that manages a dynamically generated portal page and communicatively coupled to the web server appliance and to the proxy server appliance, the portal server appliance comprising:

a database that stores data fields of the associated content data record,
a comparison unit that compares the data fields with a user content data record

from the end user computer,

wherein the proxy server appliance receives a request for the web page by the end user computer and determines when the web page is stored in the proxy server appliance,

wherein the proxy server appliance retrieves the web page from the web server appliance and subsequently stores the web page in response to the web page not being stored,

wherein the proxy server appliance sends the address of the associated content data record to the portal server appliance in response to retrieving the web page,

wherein the portal server appliance retrieves the associated content data record from the web server appliance and stores the data fields of the retrieved record in the database,

wherein the portal server appliance receives the user data record from the end user computer and the comparison unit compares the user data record with the data fields in the database,

wherein in the portal page is dynamically generated to include a displayable link to the web page when the comparison result at least meets a previously defined minimum.

39. (previously presented) A method for setting up and updating a portal page for an end user to access web pages in a data network, wherein

receiving a user data record from the end user, the user data record having features which describe a sought content for determining a web page,

the web page includes an address of an associated content data record in a non displayable area of the web page, and

the associated content record includes features describing a content on the respective web page and an address of the respective web page;

comparing the data fields of the content data record with the received user data record to determine a degree of match;

dynamically generating a portal page including a displayable link to the web page in response to the degree of match at least meeting a previously defined threshold; and

sending the dynamically generated portal page to a computer of the end user in order to be displayed.

40. (previously presented) The method as claimed in patent claim 36, wherein a most requested web page is displayed at a prioritized or prominent position on the portal page.

41. (previously presented) The method as claimed in patent claim 36, wherein the associated web page for a content data record having the best match with the user data record is displayed at a prioritized or prominent position on the portal page, wherein the web page is associated via including the address of the content data record.

42. (previously presented) The method as claimed in patent claim 36, wherein the web pages and the content data records are stored on at least one web server, and wherein the content

data records are retrieved using data record addresses which are respectively associated therewith.

43. (previously presented) The system as claimed in patent claim 38, wherein the portal server appliance retrieves the associated content data record in response to information in the associated content record not being stored in the portal server database.

44. (previously presented) The system as claimed in patent claim 43, wherein the information is deleted in portal server database after a preset expiry time.

45. (previously presented) The method as claimed in patent claim 17, wherein the data area not to be displayed is included in a HTTP header portion of the web page.

46. (previously presented) The system as claimed in patent claim 38, wherein the web page includes a HTTP header portion and the HTTP header portion includes the address of the associated content data record such that the address of the associated data record is not displayed.

Serial No. 10/530,144

Atty. Doc. No. 2003P00249WOUS

X. Evidence Appendix

None

Serial No. 10/530,144

Atty. Doc. No. 2003P00249WOUS

XI. Related Proceedings Appendix

None